

Dear FCC:

I am writing to request that you refrain from stifling innovation, limiting consumer rights, and causing environmental harm by requiring a broadcast flag for digital television devices. We cannot allow the paranoid fears of special interests to solely determine the future of video innovation and technology.

The greatest strength of the capitalist economy is the freedom to innovate. Those innovations are driven, to a large degree, by identifying consumer demands and meeting or exceeding these with fantastic innovations. Where would the world of video entertainment be if Disney had won its lawsuit against Sony and its VCR in the early 80s? No one would have predicted at the time that the video industry would dwarf the movie theater industry by the 1990s by hundreds of millions of dollars. Yet, this market would never have developed if Disney's fears of lost revenue at the box office were allowed to become law. We cannot predict where the next technological revolution will come from, or what form it will take, but we know that it simply will not materialize if individuals are not allowed freedom to innovate.

Introduction of a broadcast flag will interfere with my fair use rights to record and watch television in my household where I'd like, on what equipment I'd like, and when I'd like. I am not a criminal. I do not copy CDs, I do not copy videos, I do not download illegally-obtained music from the internet, yet the industry's assumption is that I am a pirate-in-waiting, that when given the chance I will engage in wholesale piracy to destroy the value of their product. Nothing could be further from the truth; I enjoy the products they sell, I find them entertaining, and even find some worthwhile. But if they tell how, when, and where I can use the material they sell because they fear I am a thief ready to steal anything and everything, then I will simply shun their products. There are plenty of professional criminals who sell thousands of pirated videos and DVDs, yet the primary anti-piracy focus remains on the consumer; me; and I refuse to be treated like a potential criminal.

My final concern has to do with the environment. If this broadcast flag is indeed implemented, it will require an entire generation or two of digital equipment to be wholly discarded, made completely useless by an arbitrary rule. What worth does this equipment retain if it can't be used to receive and record on-air video? The millions of early adopters would have little choice other than to discard their incompatible equipment, creating a large environmental impact, as televisions, digital VCRs, DVD recorders, and PC equipment are land filled.

I hope you will take these comments and those submitted by other consumers into serious consideration before limiting our rights, our choices, and the freedom of the market to innovate, grow, and transform.

Respectfully,

Dr. Martin Sanborn

